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6 Attorneys for Plaintiff

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8 UNITED STATES DISTRICT COURT
9 DISTRICT OF ARIZONA10 Wavve Americas, Inc., a Delaware
11 corporation,

12 Plaintiff,

13 vs.

14 Tumi Max, an individual,

15 Defendant.

16 Case No. 2:23-cv-01819-MTL

17 **DECLARATION OF
KYLE W. KELLAR IN
SUPPORT OF PLAINTIFF'S
MOTION FOR TEMPORARY
RESTRANDING ORDER**

18 I, Kyle W. Kellar, declare as follows:

19 1. I am a partner with the law firm of Lewis Roca Rothgerber Christie LLP. I am
20 counsel for wavve Americas, Inc. ("Plaintiff" or "wA") in this action. I submit this
21 declaration in support of wA's Motion for Temporary Restraining Order. I make this
22 declaration based on my personal knowledge and could competently testify to the facts
stated herein if called upon to do so.23 2. The undersigned undertook an unprompted Internet search to determine the
24 status of Defendant's KOKOA service on January 28, 2024. In response to that Internet
25 search, various articles about Defendant's KOKOA service were discovered, each bearing
26 a publication date in December 2023.

1 3. Attached hereto as Exhibit A is a true and correct copy of the webpage that
 2 resolves from <https://whatsmind.com/2023/12/02/kokoa-tv/> as it appeared on January 29,
 3 2024.

4 4. Attached hereto as Exhibit B is a true and correct copy of the webpage that
 5 resolves from <https://radical.fm/kokoa-tv/> as it appeared on January 29, 2024.

6 5. Attached hereto as Exhibit C is a true and correct copy of the webpage that
 7 resolves from <https://medium.com/@techmodena/kokoa-tv-comprehensive-guide-and-handytips-5fe49e28bd15> as it appeared on January 29, 2024.

9 6. Attached hereto as Exhibit D is a true and correct copy of the webpage that
 10 resolves from <https://genuistechy.com/kokoatv-gateway-to-entertainment/> as it appeared on
 11 January 30, 2024.

12 7. Attached hereto as Exhibit E is a true and correct copy of the webpage that
 13 resolves from <https://community.roku.com/t5/Channels-viewing/Is-okoatv-available-on-Roku/tdp/926427> as it appeared on January 29, 2024.

15 8. Attached hereto as Exhibit F is a true and correct copy of the webpage that
 16 resolves from
 17 https://www.reddit.com/r/koreanvariety/comments/18501yl/buying_korean_ott_platform_subscriptions/ as it appeared on January 30, 2024.

19 9. Attached hereto as Exhibit G is a true and correct copy of the webpage that
 20 resolves from <https://www.similarweb.com/website/kokoatv.net/#outgoing-links> as it
 21 appeared on January 30, 2024.

22 10.

Program (Korean Title)	Program (English Title)	KOKOATV.NET Offering	KOCOWA® Offering	Owner
넘버스 : 빌딩 숲 의 감자 들	Numbers	https://kokoatv.net/tv-show/%eb%84%98%eb%b2%84%ec%8a%a4-%eb%b9%8c%eb%94%a9%ec%88%b2%ec%9d%98-%ea%b0%90%ec%8b%9c%ec%9e%90%eb%93%a4/	https://www.kocowa.com/en_us/season/78717530/numbers	MBC
생존계	Mission	https://kokoatv.net/tv-	https://www.kocowa.com/	KBS

Program (Korean Title)	Program (English Title)	KOKOATV.NET Offering	KOCOWA® Offering	Owner
임 코드레 드	CodeRed	https://kokoatv.net/tv-show/%ec%a1%b0%ec%84%a0%eb%b3%80%ed%98%b8%ec%82%ac/	https://www.kocowa.com/en_us/season/79029549/mission-codedred	
조선변호사	Joseon Attorney: A Morality	https://kokoatv.net/tv-show/%ea%b0%95%ec%8b%ac%ec%9e%a5-%eb%a6%ac%ea%b7%b8/	https://www.kocowa.com/en_us/season/74145257/joseon-attorney-a-morality	MBC
강심장 리그	Thumbnail Battle: The Strongest Hearts	https://kokoatv.net/tv-show/%ec%96%b4%ec%a9%8c%eb%8b%a4-%eb%a7%88%ec%a3%bc%ec%b9%9c-%ea%b7%b8%eb%8c%80/	https://www.kocowa.com/en_us/season/77808304/thumb-battle-the-strongest-hearts	SBS
어쩌다 마주치, 그대	My Perfect Stranger	https://kokoatv.net/tv-show/%ec%96%b4%ec%a9%8c%eb%8b%a4-%eb%a7%88%ec%a3%bc%ec%b9%9c-%ea%b7%b8%eb%8c%80/	https://www.kocowa.com/en_us/season/76561204/my-perfect-stranger	KBS
나의 X같은 스무살	My 20 th Twenty	https://kokoatv.net/tv-show/%eb%82%98%ec%9d%98-%ea%b0%99%ec%9d%80-%ec%8a%a4%eb%ac%b4%ec%82%b4/	https://www.kocowa.com/en_us/season/76411757/my-20th-twenty	KBS
하늘의 인연	Meant To Be	https://kokoatv.net/tv-show/%ed%95%98%eb%8a%98%ec%9d%98-%ec%9d%b8%ec%97%b0/	https://www.kocowa.com/en_us/season/76179394/meant-to-be	MBC
과학수사대 스모킹건	KCSI: Smoking Gun	https://kokoatv.net/tv-show/%ea%b3%bc%ed%95%99%ec%88%98%ec%82%ac%eb%8c%80-%ec%8a%a4%eb%aa%a8%ed%82%b9-%ea%b1%b4/	https://www.kocowa.com/en_us/search?q=KCSI%3A%20Smoking%20Gun	KBS
금이야기	Apple of My Eye	https://kokoatv.net/tv-show/%ea%b8%88%ec%9d%b4%ec%95%bc-%ec%98%a5%ec%9d%b4%ec%95%bc/	https://www.kocowa.com/en_us/season/74047619/apple-of-my-eye	KBS
소년파타치-방과후 설렘 시즌2	Fantasy Boys	https://kokoatv.net/tv-show/%ec%86%8c%eb%85%84%ed%8c%90%ed%83%80%ec%a7%80-%eb%b0%a9%ea%b3%bc%ed%9b%84-%ec%84%a4%eb%a0%98-%ec%8b%9c%ec%a6%8c2/	https://www.kocowa.com/en_us/season/74483666/fantasy-boys	MBC

11. Attached hereto as Exhibit H is a true and correct copy of an email from the

1 undersigned to Namecheap's legal department at legal@namecheap.com sent on
2 September 1, 2023, attaching a letter to Namecheap, a subpoena to Namecheap, and
3 documents filed as Dkts. 1, 11, and 12. The attachments to the email are omitted but can
4 be provided upon request by the Court.

5 12. Attached hereto as Exhibit I is a true and correct copy of an email from
6 Namecheap's legal department to the undersigned sent on September 1, 2023, confirming
7 receipt of the email and attached that form Exhibit H to this declaration.

8 13. Attached hereto as Exhibit J is a true and correct copy of an email from the
9 undersigned to Namecheap's legal department at legal@namecheap.com sent on
10 January 29, 2024, describing wa's intent to proceed with this Motion for Entry of a
11 Temporary Restraining Order that would bind Namecheap and attaching a copy of the
12 [Proposed] Order that is being filed concurrently with this Motion.

13
14 I declare under penalty of perjury under the laws of the United States of America
15 that the foregoing is true and correct.

16 Executed on the 2nd day of February, 2024, at Los Angeles, California.

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18 */s/Kyle W. Kellar*
19 _____
20 Kyle W. Kellar
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